

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IAN J. BROWN, JAMES BROWN,)
and BARBARA BROWN,)
Plaintiffs,)
v.) C.A. No. 04cv11924-RGS
UNITED STATES OF AMERICA,)
VERIZON NEW ENGLAND, INC.,)
and BOSTON EDISON COMPANY)
d/b/a/ NSTAR ELECTRIC,)
Defendants.)

)

UNITED STATES OF AMERICA'S MOTION TO DISMISS

The United States of America move to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b) (1), to dismiss based on lack of subject matter jurisdiction. In support of this Motion, the Government submits the accompanying Memorandum of Law in Support of its Motion to Dismiss.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney
Moakley Federal Courthouse
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: January 3, 2005

CERTIFICATION UNDER L.R. 7.1

I certify that in accordance with Local Rule 7.1, on December 17, 2004, I have conferred with Plaintiff's counsel and have attempted in good faith to resolve the issues addressed in this Motion.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
January 3, 2005

I certify that on January 3, 2005, I caused a copy of the foregoing Motion to be served on Plaintiff's Attorney, Scott E. Charnas, Manheimer & Charnas, LLP, 210 Commercial Street, Boston, MA 02109, by first class mail, postage pre-paid.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney